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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *13 January 2011*.
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-22,28-30 and 32-37* is/are pending in the application.
   4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) *1-22,28-30 and 32-37* is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____.
      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on

01/13/11 has been entered.

Response to Arguments

2.   Applicant's arguments have been fully considered but they are not persuasive.

On pages 22-27, applicant argues that none of cited reference teach "detecting a

position of inserting an advertisement image which is a position where a scene is

changed".

In response, it is noted that Srinivasan explicitly discloses a system which will

use scene change detection technology to detect and mark scene changes (paragraph

14) for *marking for ad insertion* (paragraph 14). Thus, the inserting ads into a video

stream *at the appropriate times to place the ads* (paragraph 204) would occur at scene

changes within the video stream (paragraph 14). Therefore, applicant's arguments are

not convincing.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1-16, 18-22, 28-30, 32-37 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Bar-el (WO 99/26415 A1) (of record) in view of Srinivasan et al.

(Srinivasan) (US 2001/0023436 A1) (of record) and Zigmond et al. (Zigmond)

(6,698,020) (of record).

As to claim 1, Bar-el discloses an image content providing method of providing

an image content via a network from an image content providing apparatus to an image

content reproducing apparatus (page 7, lines 2-19), said image content providing

method comprising the steps of:

requesting, via the stream distribution, distribution of said image content, said

request sent from said image content reproducing apparatus to said image content

providing apparatus (page 7, lines 20-22);

transmitting, via the network by one of stream distribution, download distribution

and package distribution, said image content to said image content reproducing

apparatus (Fig. 1; page 8, lines 4-18),

wherein, when said image content is transmitted via stream distribution, during

transmission detecting the position of inserting the advertisement image in said image

content at said image content providing apparatus (page 14, line 14-page 15, line 5);

requesting the advertisement image providing apparatus having said

advertisement image to distribute said advertisement image to said image content

providing apparatus (page 12, lines 3-9 and page 14, line 22-page 15, line 5) and

sending the advertisement inserting condition to the advertising image providing

apparatus (page 14, line 14-page 15, line 5);

selecting said advertisement image to be inserted into said image content based

on at least the advertisement inserting condition (page 11, line 14-page 14, line 21) and

transmitting thereof said advertisement image selected by stream distribution to said

image content providing apparatus at said advertisement image providing apparatus

(page 12, lines 3-9 and page 14, line 22-page 15, line 5);

inserting said advertisement image transmitted to said image content providing

apparatus at the position of inserting said advertisement image in said image content at

said image content providing apparatus (page 14, line 24-page 16, line 21);

distributing, via stream distribution the inserted advertisement image from said

image content providing apparatus to said image content reproducing apparatus (Fig. 1-

2; page 7, line 11-page 8, line 18).

While Bar-el discloses transmitting an advertising inserting condition to said

image content reproducing apparatus (Fig. 6-7; page 17-18), detecting a position of

inserting an advertisement image in said image content reproducing apparatus (Fig. 6-

7; page 17-18), and selecting said advertisement image to be inserted into said image

content based on at least an advertisement inserting condition (page 11, line 14-page

14, line 21), inserting said advertisement image transmitted to said image content

producing apparatus at the position of inserting said advertisement image in said image

content at said image reproducing apparatus (page 14, line 24-page 16, line 21 and

page 17-18), and display thereof (Fig. 6-7), he fails to specifically disclose transmitting

said image content via one of download distribution and package distribution, for

download distribution, requesting an advertisement image providing apparatus, having

said advertisement image, to distribute said advertisement image to said image content

reproducing apparatus and sending said advertisement inserting condition to said

advertisement image providing apparatus by said image content reproducing apparatus,

transmitting said advertisement image selected by stream distribution via the network to

said image content producing apparatus, selecting said advertisement image to be

inserted based upon a maximum number of distribution times and for stream

distribution, restarting stream distribution of said image content from said image content

providing apparatus to said image content reproducing apparatus when the distribution

of the advertisement image finishes and for package distribution, requesting an

advertisement image providing apparatus, having said advertisement image, to

distribute said advertisement image to said image content reproducing apparatus and

sending said advertisement inserting condition to said advertisement image providing

apparatus by said image content reproducing apparatus, transmitting said

advertisement image selected by stream distribution via the network to said image

content producing apparatus, selecting said advertisement image to be inserted based

upon a maximum number of distribution times and for stream distribution, restarting

stream distribution of said image content from said image content providing apparatus

to said image content reproducing apparatus when the distribution of the advertisement image finishes.

In an analogous art, Srinivasan discloses a VOD system (paragraph 202) where a user will request a video (paragraph 202) and the system will transmit the content via download distribution or "package" distribution (paragraph 236) request an advertisement image providing apparatus, having said advertisement image, to distribute said advertisement image to said image content reproducing apparatus (paragraph 205-206), send said advertisement inserting condition to said advertisement image providing apparatus by said image content reproducing apparatus (paragraph 205-206), transmit said advertisement image selected by stream distribution via the network to said image content producing apparatus (paragraph 205-206) and for stream distribution, restarting stream distribution of said image content from said image content providing apparatus to said image content reproducing apparatus when the distribution of the advertisement image finishes (paragraph 202-204) for the typical benefit of providing traditional advertisement slots for broadcast commercials within a requested video stream (paragraphs 198-202 and paragraph 44 and 85) while providing the viewer with more options and flexibility on how to receive and view their desired content (paragraph 236).

Additionally, in an analogous art, Zigmond discloses a system for providing content and advertisements (column 4, lines 15-24) which utilizes advertisements which are provided to viewers up to a maximum number of times (column 13, lines 40-47) for

the typical benefit of preventing viewers from being frustrated through excessive exposure to the same advertisement (column 13, lines 45-47).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Bar-el's system to include disclose transmitting said image content via one of download distribution and package distribution, for download distribution, requesting an advertisement image providing apparatus, having said advertisement image, to distribute said advertisement image to said image content reproducing apparatus and sending said advertisement inserting condition to said advertisement image providing apparatus by said image content reproducing apparatus, transmitting said advertisement image selected by stream distribution via the network to said image content producing apparatus, and for stream distribution, restarting stream distribution of said image content from said image content providing apparatus to said image content reproducing apparatus when the distribution of the advertisement image finishes and for package distribution, requesting an advertisement image providing apparatus, having said advertisement image, to distribute said advertisement image to said image content reproducing apparatus and sending said advertisement inserting condition to said advertisement image providing apparatus by said image content reproducing apparatus, transmitting said advertisement image selected by stream distribution via the network to said image content producing apparatus, restarting stream distribution of said image content from said image content providing apparatus to said image content reproducing apparatus when the distribution of the advertisement image finishes, as taught in combination with Srinivasan, for the typical benefit of

providing traditional advertisement slots for broadcast commercials within a requested

video stream while providing the viewer with more options and flexibility on how to

receive and view their desired content.

Additionally, it would have been obvious to one of ordinary skill in the art at the

time of invention by applicant to modify Bar-el and Srinivasan's system to include

selecting an advertisement based upon a maximum number of distribution times, as

taught in combination with Zigmond, for the typical benefit of preventing viewers from

being frustrated through excessive exposure to the same advertisement.

As to claim 3, Bar-el, Srinivasan and Zigmond disclose wherein the position of

said image content for inserting said advertisement image is detected based on

advertisement inserting condition data having an advertisement image inserting position

condition for designating the position of inserting said advertisement image and an

advertisement image selecting condition for designating a category of said

advertisement image capable of being inserted to said image content (column 14, lines

14-21 and column 11, lines 14-19).

As to claim 4, Bar-el, Srinivasan and Zigmond disclose wherein said

advertisement inserting condition data includes an advertisement image reproducing

condition for designating a maximum period of time for reproducing said advertisement

image when said advertisement image is inserted to said image content (page 14, lines

14-21).

As to claim 5, Bar-el, Srinivasan and Zigmond disclose wherein when said advertisement image is requested to distribute at said image content providing apparatus, said advertisement inserting condition data is transmitted to said advertisement image providing apparatus (page 11, lines 9-19) and when said advertisement image is selected at said advertisement image providing apparatus, said advertisement image is selected based on said advertisement inserting condition data (page 11, lines 9-19).

As to claim 6, Bar-el, Srinivasan and Zigmond disclose wherein when said image content is requested to distribute at said image content reproducing apparatus, viewer information of a viewer for utilizing said image content is transmitted to said image content providing apparatus (page 10, lines 3-20).

As to claim 7, Bar-el, Srinivasan and Zigmond disclose wherein when said advertisement image is requested to distribute at said image content providing apparatus, said viewer information is transmitted to said advertisement image providing apparatus (page 11, lines 6-19) and when said advertisement image is selected at said advertisement image providing apparatus, said advertisement image is selected based on said viewer information (page 11, lines 6-19).

As to claim 8, Bar-el, Srinivasan and Zigmond disclose wherein said image

content providing apparatus comprises:

a main image content distributing apparatus (Fig. 1-2); and

a plurality of deputy image content distributing apparatus (page 7, lines 13-19);

wherein said main image content distributing apparatus selects one of the deputy

image content distributing apparatus from said plurality of deputy image content

distributing apparatus by a request of distributing said image content from said image

content reproducing apparatus and said selected deputy image content distributing

apparatus distributes said image content to said image content reproducing apparatus

(plurality of intermediate routers and nodes present in an Internet distribution system;

page 7, lines 13-19 and page 10, line 23-page 11, line 5).

As to claim 9, Bar-el, Srinivasan and Zigmond disclose wherein said image

content providing apparatus comprises:

a main image content distributing apparatus (Fig. 1-2); and

a plurality of image content distribution splitter nodes (page 7, lines 13-19).;

wherein when said main image content distributing apparatus is requested to

distribute said image content, said main image content distributing apparatus selects

said image content distribution splitter node and distributes said image content to said

image content distribution splitter node and said image content is distributed from said

image content distribution splitter node to said image content reproducing apparatus

(plurality of intermediate routers and nodes present in an Internet distribution system;

page 7, lines 13-19 and page 10, line 23-page 11, line 5).

As to claim 10, Bar-el discloses an image content providing method of providing

an image content via a network from an image content providing apparatus to an image

content reproducing apparatus (page 7, lines 2-19), said image content providing

method comprising the steps of:

requesting, via the stream distribution, distribution of said image content, said

request sent from said image content reproducing apparatus to said image content

providing apparatus (page 7, lines 20-22);

transmitting, via the network by one of stream distribution, download distribution

and package distribution, said image content to said image content reproducing

apparatus (Fig. 1; page 8, lines 4-18),

wherein, when said image content is transmitted via stream distribution, during

transmission detecting the position of inserting the advertisement image in said image

content at said image content providing apparatus (page 14, line 14-page 15, line 5);

requesting the advertisement image providing apparatus having said

advertisement image to distribute said advertisement image to said image content

providing apparatus (page 12, lines 3-9 and page 14, line 22-page 15, line 5) and

sending the advertisement inserting condition to the advertising image providing

apparatus (page 14, line 14-page 15, line 5);

selecting said advertisement image to be inserted into said image content based

on at least the advertisement inserting condition (page 11, line 14-page 14, line 21) and

transmitting thereof said advertisement image selected by stream distribution to said

image content providing apparatus at said advertisement image providing apparatus

(page 12, lines 3-9 and page 14, line 22-page 15, line 5);

inserting said advertisement image transmitted to said image content providing

apparatus at the position of inserting said advertisement image in said image content at

said image content providing apparatus (page 14, line 24-page 16, line 21);

distributing, via stream distribution the inserted advertisement image from said

image content providing apparatus to said image content reproducing apparatus (Fig. 1-

2; page 7, line 11-page 8, line 18).

While Bar-el discloses transmitting an advertising inserting condition to said

image content reproducing apparatus (Fig. 6-7; page 17-18), detecting a position of

inserting an advertisement image in said image content reproducing apparatus (Fig. 6-

7; page 17-18), and selecting said advertisement image to be inserted into said image

content based on at least an advertisement inserting condition (page 11, line 14-page

14, line 21), inserting said advertisement image transmitted to said image content

producing apparatus at the position of inserting said advertisement image in said image

content at said image reproducing apparatus (page 14, line 24-page 16, line 21 and

page 17-18), and display thereof (Fig. 6-7), he fails to specifically disclose transmitting

said image content via one of download distribution and package distribution, for

download distribution, requesting an advertisement image providing apparatus, having

said advertisement image, to distribute said advertisement image to said image content

reproducing apparatus and sending said advertisement inserting condition to said

advertisement image providing apparatus by said image content reproducing apparatus,

transmitting said advertisement image selected by stream distribution via the network to

said image content producing apparatus, selecting said advertisement image to be

inserted based upon a maximum number of distribution times and for stream

distribution, restarting stream distribution of said image content from said image content

providing apparatus to said image content reproducing apparatus when the distribution

of the advertisement image finishes and for package distribution, requesting an

advertisement image providing apparatus, having said advertisement image, to

distribute said advertisement image to said image content reproducing apparatus and

sending said advertisement inserting condition to said advertisement image providing

apparatus by said image content reproducing apparatus, transmitting said

advertisement image selected by stream distribution via the network to said image

content producing apparatus, selecting said advertisement image to be inserted based

upon a maximum number of distribution times and for stream distribution, restarting

stream distribution of said image content from said image content providing apparatus

to said image content reproducing apparatus when the distribution of the advertisement

image finishes, wherein the position of inserting the advertisement image is a position

where a scene is changed.

In an analogous art, Srinivasan discloses a VOD system (paragraph 202) where

a user will request a video (paragraph 202) and the system will transmit the content via

download distribution or "package" distribution (paragraph 236) request an

advertisement image providing apparatus, having said advertisement image, to

distribute said advertisement image to said image content reproducing apparatus

(paragraph 205-206), send said advertisement inserting condition to said advertisement

image providing apparatus by said image content reproducing apparatus (paragraph

205-206), transmit said advertisement image selected by stream distribution via the

network to said image content producing apparatus (paragraph 205-206) and for stream

distribution, restarting stream distribution of said image content from said image content

providing apparatus to said image content reproducing apparatus when the distribution

of the advertisement image finishes (paragraph 202-204), wherein the position of

inserting the advertisement image is a position where a scene is changed (paragraph

14, 204) for the typical benefit of providing traditional advertisement slots for broadcast

commercials within a requested video stream (paragraphs 198-202 and paragraph 44

and 85) while providing the viewer with more options and flexibility on how to receive

and view their desired content (paragraph 236).

Additionally, in an analogous art, Zigmond discloses a system for providing

content and advertisements (column 4, lines 15-24) which utilizes advertisements which

are provided to viewers up to a maximum number of times (column 13, lines 40-47) for

the typical benefit of preventing viewers from being frustrated through excessive

exposure to the same advertisement (column 13, lines 45-47).

It would have been obvious to one of ordinary skill in the art at the time of

invention by applicant to modify Bar-el's system to include disclose transmitting said

image content via one of download distribution and package distribution, for download

distribution, requesting an advertisement image providing apparatus, having said

advertisement image, to distribute said advertisement image to said image content

reproducing apparatus and sending said advertisement inserting condition to said

advertisement image providing apparatus by said image content reproducing apparatus,

transmitting said advertisement image selected by stream distribution via the network to

said image content producing apparatus, and for stream distribution, restarting stream

distribution of said image content from said image content providing apparatus to said

image content reproducing apparatus when the distribution of the advertisement image

finishes and for package distribution, requesting an advertisement image providing

apparatus, having said advertisement image, to distribute said advertisement image to

said image content reproducing apparatus and sending said advertisement inserting

condition to said advertisement image providing apparatus by said image content

reproducing apparatus, transmitting said advertisement image selected by stream

distribution via the network to said image content producing apparatus, restarting

stream distribution of said image content from said image content providing apparatus

to said image content reproducing apparatus when the distribution of the advertisement

image finishes, wherein the position of inserting the advertisement image is a position

where a scene is changed, as taught in combination with Srinivasan, for the typical

benefit of providing traditional advertisement slots for broadcast commercials within a

requested video stream while providing the viewer with more options and flexibility on

how to receive and view their desired content.

      Additionally, it would have been obvious to one of ordinary skill in the art at the

time of invention by applicant to modify Bar-el and Srinivasan's system to include

selecting an advertisement based upon a maximum number of distribution times, as

taught in combination with Zigmond, for the typical benefit of preventing viewers from

being frustrated through excessive exposure to the same advertisement.

As to claim 18, while Bar-el discloses image content providing system

communicating via a network (page 7, lines 2-19), comprising:

an image content providing apparatus having an image content and having a

function of providing said image content and an advertisement image via the network

(Fig. 1; page 8, lines 4-18);

an advertisement image providing apparatus having the advertisement image to

be inserted to said image content and having a function of providing said advertisement

image via stream distribution to said image content providing apparatus (page 12, lines

3-9 and page 14, line 22-page 15, line 5) based on at least an advertisement inserting

condition (page 14, line 14-page 15, line 5);

an image content reproducing apparatus having a function of reproducing said

image content and said advertisement image received from said image content

providing apparatus (page 8, lines 15-18);

wherein said image content providing apparatus has a function of inserting the

advertisement image transmitted via stream distribution from said advertisement image

providing apparatus at the position in said image content (page 14, line 24-page 16, line

21), wherein the image content processing system provides the image content and

advertisement image to the image content reproducing apparatus by the network via

stream distribution when the image content is subjected to stream distribution, via

deputy stream distribution when the image content is subjected to deputy stream

distribution and via multicast stream distribution when the image content is subjected to

multicast stream distribution (Fig. 1, Fig. 6; page 8, lines 15-18, page 16, line 22-page

17, line 16), he fails to specifically disclose restarting stream distribution of said image

content from said image content providing apparatus to said image content reproducing

apparatus when the distribution of the advertisement image finishes and a maximum

number of distribution times, wherein the position of inserting the advertisement image

is a position where a scene is changed.

In an analogous art, Srinivasan discloses a VOD system (paragraph 202) where

a user will request a video (paragraph 202) and the system will provide the video to the

user via stream distribution, deputy stream distribution or multicast distribution

(paragraphs 202-209), insert advertisement images at the appropriate position

(paragraphs 202-204) and then restart stream distribution of the video when the ad is

finished (starting and stopping of ad and video streams; paragraph 204) wherein the

position of inserting the advertisement image is a position where a scene is changed

(paragraph 14, 202) for the typical benefit of providing traditional advertisement slots for

broadcast commercials within a requested video stream (paragraphs 198-202 and

paragraph 44 and 85).

Additionally, in an analogous art, Zigmond discloses a system for providing

content and advertisements (column 4, lines 15-24) which utilizes advertisements which

are provided to viewers up to a maximum number of times (column 13, lines 40-47) for

the typical benefit of preventing viewers from being frustrated through excessive

exposure to the same advertisement (column 13, lines 45-47).

It would have been obvious to one of ordinary skill in the art at the time of

invention by applicant to modify Bar-el's system to include restarting distribution of said

image content from said image content providing apparatus to said image content

reproducing apparatus when the distribution of the advertisement image finishes,

wherein the position of inserting the advertisement image is a position where a scene is

changed, as taught in combination with Srinivasan, for the typical benefit of providing

traditional advertisement slots for broadcast commercials within a requested video

stream.

Additionally, it would have been obvious to one of ordinary skill in the art at the

time of invention by applicant to modify Bar-el and Srinivasan's system to include a

maximum number of distribution times, as taught in combination with Zigmond, for the

typical benefit of preventing viewers from being frustrated through excessive exposure

to the same advertisement.

As to claim 32 and 34, Bar-el, Srinivasan and Zigmond disclose wherein said

image content is a moving picture (page 8, lines 11-18).

As to claim 36, while Bar-el discloses an image providing method of providing an

image from an image program providing apparatus to an image program reproducing

apparatus (page 7, lines 2-19), said image providing method comprising the steps of:

requesting, via the network, distribution of said image from said image program

reproducing apparatus to said image content program providing apparatus (page 7,

lines 20-22);

transmitting, via the network, said image to said image program reproducing

apparatus (Fig. 1; page 8, lines 4-18) and during transmission detecting a position of

inserting an advertisement image in said image at said image program providing

apparatus (page 14, line 14-page 15, line 5);

requesting an advertisement image providing apparatus having said

advertisement image to distribute said advertisement image to said image program

providing apparatus when the position of inserting the image is detected (page 12, lines

3-9 and page 14, line 22-page 15, line 5) and providing advertisement inserting

condition to said advertisement image providing apparatus (page 11, line 14-page 14,

line 21);

selecting said advertisement image to be inserted into said image based on at

least the advertisement inserting condition received (page 11, line 14-page 14) and

transmitting thereof by stream distribution to said image program providing apparatus at

said advertisement image providing apparatus (page 12, lines 3-9 and page 14, line 22-

page 15, line 5);

inserting said advertisement image transmitted to said image program providing

apparatus at the position of inserting said advertisement image detected in said image

(page 14, line 24-page 16, line 21); and

distributing, via the network, the advertisement image wherein the image content

processing system provides the image content and advertisement image to the image

content reproducing apparatus directly when the image content is subjected to stream

distribution, via a plurality of deputy stream providing apparatuses when the image

content is subjected to deputy stream distribution and via a plurality of distribution

splitter nodes when the image content is subjected to multicast stream distribution (Fig.

1, Fig. 6; page 8, lines 15-18, page 16, line 22-page 17, line 16), he fails to specifically

disclose transmitting the selected advertisement via the network to said image program

providing apparatus, restarting stream distribution of said image content from said

image content providing apparatus to said image content reproducing apparatus when

the distribution of the advertisement image finishes and a maximum number of

distribution times, wherein the position of inserting the advertisement image is a position

where a scene is changed.

In an analogous art, Srinivasan discloses a VOD system (paragraph 202) where

a user will request a video (paragraph 202) and the system will provide the video to the

user via streaming, deputy streaming or multicast streaming (paragraphs 202-210),

insert advertisement images at the appropriate position (paragraphs 202-204) by

transmitting the selected advertisement via network to the image program providing

apparatus (video/ad servers are separate Internet servers; paragraph 204) and then

restart stream distribution of the video when the ad is finished (starting and stopping of

ad and video streams; paragraph 204), wherein the position of inserting the

advertisement image is a position where a scene is changed (paragraph 14, 202) for the

typical benefit of providing traditional advertisement slots for broadcast commercials within a requested video stream (paragraphs 198-202 and paragraph 44 and 85).

Additionally, in an analogous art, Zigmond discloses a system for providing content and advertisements (column 4, lines 15-24) which utilizes advertisements which are provided to viewers up to a maximum number of times (column 13, lines 40-47) for the typical benefit of preventing viewers from being frustrated through excessive exposure to the same advertisement (column 13, lines 45-47).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Bar-el's system to include transmitting the selected advertisement via the network to said image program providing apparatus, restarting distribution of said image content from said image content providing apparatus to said image content reproducing apparatus when the distribution of the advertisement image finishes, wherein the position of inserting the advertisement image is a position where a scene is changed, as taught in combination with Srinivasan, for the typical benefit of providing traditional advertisement slots for broadcast commercials within a requested video stream.

Additionally, it would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Bar-el and Srinivasan's system to include a maximum number of distribution times, as taught in combination with Zigmond, for the typical benefit of preventing viewers from being frustrated through excessive exposure to the same advertisement.

As to claims 33 and 35, while Bar-el, Srinivasan and Zigmond disclose wherein said image content is video, they fail to specifically disclose wherein said video content is one of a movie, a drama and an animation.

The examiner takes Official Notice that it was notoriously well known in the art at the time of invention to provide movies, dramas and an animation, which were all well known and popular forms of video, for the typical benefit of providing viewers with the respective form of video content, such as a movie, drama or animation, that they desire.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Bar-el, Srinivasan and Zigmond's system to include wherein said video content is one of a movie, a drama and an animation for the typical benefit of providing viewers with the respective form of video content, such as a movie, drama or animation, that they desire, in an interactive video distribution system.

As to claim 20, while Bar-el discloses an image content providing apparatus for providing an image content via a network (Fig. 1; page 8, lines 4-18), said image content providing apparatus comprising:

an image content database for storing said image content (Fig. 2; page 11, lines 20-23);

image providing means having a function of receiving an advertisement image based on at least an advertisement inserting condition (page 12, lines 3-9 and page 14, line 22-page 15, line 5), inserting the advertisement image at a position in said image content of said image database (page 14, line 24-page 16, line 21) and distributing

thereof via the network by stream distribution (Fig. 1-2; page 7, line 11-page 8, line 18),

and

list forming means having a function of forming information of viewing said image

content stored to said image content database and providing said title list (means for

user selection of an available video; page 11, lines 20-21), wherein the image content

processing system provides the image content and advertisement image to the image

content reproducing apparatus by the network via stream distribution when the image

content is subjected to stream distribution, via deputy stream distribution when the

image content is subjected to deputy stream distribution and via multicast stream

distribution when the image content is subjected to multicast stream distribution (Fig. 1,

Fig. 6; page 8, lines 15-18, page 16, line 22-page 17, line 16), he fails to specifically

disclose a title list, restarting distribution of said image content from said image content

providing apparatus to said image content reproducing apparatus when the distribution

of the advertisement image finishes and a maximum number of distribution times and

receiving the selected advertisement via the network at said image providing means,

wherein the position of inserting the advertisement image is a position where a scene is

changed.

The examiner takes Official Notice that it was notoriously well known in the art at

the time of invention to provide a title list, listing the available videos for selection, for

the typical benefit of providing a well known user friendly means for viewers easily

identify and select a desired video.

In an analogous art, Srinivasan discloses a VOD system (paragraph 202) where a user will request a video (paragraph 202) and the system will provide the video to the user via stream distribution, deputy stream distribution or multicast distribution (paragraphs 202-210), transmit the selected advertisement via network to the image program providing apparatus (video/ad servers are separate Internet servers; paragraph 204), insert advertisement images at the appropriate position (paragraphs 202-204) and then restart stream distribution of the video when the ad is finished (starting and stopping of ad and video streams; paragraph 204) wherein the position of inserting the advertisement image is a position where a scene is changed (paragraph 14, 204) for the typical benefit of providing traditional advertisement slots for broadcast commercials within a requested video stream (paragraphs 198-202 and paragraph 44 and 85).

Additionally, in an analogous art, Zigmond discloses a system for providing content and advertisements (column 4, lines 15-24) which utilizes advertisements which are provided to viewers up to a maximum number of times (column 13, lines 40-47) for the typical benefit of preventing viewers from being frustrated through excessive exposure to the same advertisement (column 13, lines 45-47).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Bar-el's system to include a title list for the typical benefit of providing a well known user friendly means for viewers easily identify and select a desired video.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Bar-el's system to include transmitting the selected

advertisement via network to the image providing means, restarting distribution of said

image content from said image content providing apparatus to said image content

reproducing apparatus when the distribution of the advertisement image finishes,

wherein the position of inserting the advertisement image is a position where a scene is

changed, as taught in combination with Srinivasan, for the typical benefit of providing

traditional advertisement slots for broadcast commercials within a requested video

stream.

Additionally, it would have been obvious to one of ordinary skill in the art at the

time of invention by applicant to modify Bar-el and Srinivasan's system to include a

maximum number of distribution times, as taught in combination with Zigmond, for the

typical benefit of preventing viewers from being frustrated through excessive exposure

to the same advertisement.

As to claim 28, while Bar-el discloses a program storage medium stored with an

image content providing program for providing an image content (Fig. 2; page 11, lines

20-23), said program storage medium comprising:

image providing means having a function of receiving an advertisement image

via stream distribution based on at least an advertisement inserting condition (page 12,

line 3-page 15, line 5), inserting the advertisement image at a position in said image

content of said image database (page 14, line 24-page 16, line 21) and distributing of

the advertisement image via a network (Fig. 1-2; page 7, line 11-page 8, line 18),

means having a function of forming information of viewing said image content

stored to said image content database and providing said title (means for user selection

of an available video; page 11, lines 20-21), wherein the image content processing

system provides the image content and advertisement image to the image content

reproducing apparatus by the network via stream distribution when the image content is

subjected to stream distribution, via deputy stream distribution when the image content

is subjected to deputy stream distribution and via multicast stream distribution when the

image content is subjected to multicast stream distribution (Fig. 1, Fig. 6; page 8, lines

15-18, page 16, line 22-page 17, line 16), he fails to specifically disclose a title list,

restarting distribution of said image content from said image content providing

apparatus to said image content reproducing apparatus when the distribution of the

advertisement image finishes and a maximum number of distribution times and

receiving the selected advertisement via the network at said image providing means,

wherein the position of inserting the advertisement image is a position where a scene is

changed.

The examiner takes Official Notice that it was notoriously well known in the art at

the time of invention to provide a title list, listing the available videos for selection, for

the typical benefit of providing a well known user friendly means for viewers easily

identify and select a desired video.

In an analogous art, Srinivasan discloses a VOD system (paragraph 202) where

a user will request a video (paragraph 202) and the system will stream the video to the

user (paragraphs 202-204), transmit the selected advertisement via network to the

image program providing apparatus (video/ad servers are separate Internet servers;

paragraph 204), insert advertisement images at the appropriate position (paragraphs

202-204) and then restart stream distribution of the video when the ad is finished

(starting and stopping of ad and video streams; paragraph 204) wherein the position of

inserting the advertisement image is a position where a scene is changed, for the typical

benefit of providing traditional advertisement slots for broadcast commercials within a

requested video stream (paragraphs 198-202 and paragraph 44 and 85).

Additionally, in an analogous art, Zigmond discloses a system for providing

content and advertisements (column 4, lines 15-24) which utilizes advertisements which

are provided to viewers up to a maximum number of times (column 13, lines 40-47) for

the typical benefit of preventing viewers from being frustrated through excessive

exposure to the same advertisement (column 13, lines 45-47).

It would have been obvious to one of ordinary skill in the art at the time of

invention by applicant to modify Bar-el's system to include a title list for the typical

benefit of providing a well known user friendly means for viewers easily identify and

select a desired video.

It would have been obvious to one of ordinary skill in the art at the time of

invention by applicant to modify Bar-el's system to include restarting distribution of said

image content from said image content providing apparatus to said image content

reproducing apparatus when the distribution of the advertisement image finishes and

transmitting the selected advertisement via network to the image program providing

apparatus, wherein the position of inserting the advertisement image is a position where

a scene is changed, as taught in combination with Srinivasan, for the typical benefit of providing traditional advertisement slots for broadcast commercials within a requested video stream.

Additionally, it would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Bar-el and Srinivasan's system to include a maximum number of distribution times, as taught in combination with Zigmond, for the typical benefit of preventing viewers from being frustrated through excessive exposure to the same advertisement.

As to claim 12, Bar-el, Srinivasan and Zigmond disclose wherein the position of said image content for inserting said advertisement image is detected at said image content reproducing apparatus based on advertisement inserting condition data having an advertisement image inserting position condition for designating the position of inserting said advertisement image and an advertisement image selecting condition for designating a category of said advertisement image capable of being inserted to said image content (column 14, lines 14-21 and column 11, lines 14-19).

As to claim 13, Bar-el, Srinivasan and Zigmond disclose wherein said advertisement inserting condition data includes an advertisement image reproducing condition for designating a maximum period of time for reproducing said advertisement image when said advertisement image is inserted to said image content (page 14, lines 14-21).

As to claim 14, Bar-el, Srinivasan and Zigmond disclose wherein when said advertisement image is requested to distribute at said image content providing apparatus, said advertisement inserting condition data is transmitted to said advertisement image providing apparatus (page 11, lines 9-19) and when said advertisement image is selected at said advertisement image providing apparatus, said advertisement image is selected based on said advertisement inserting condition data (page 11, lines 9-19).

As to claim 15, Bar-el, Srinivasan and Zigmond disclose wherein when said advertisement image is requested to distribute at said image content providing apparatus, said viewer information is transmitted to said advertisement image providing apparatus (page 11, lines 6-19) and when said advertisement image is selected at said advertisement image providing apparatus, said advertisement image is selected based on said viewer information (page 11, lines 6-19).

As to claim 11, while Bar-el, Srinivasan and Zigmond disclose wherein when said image content is requested to distribute at said image content reproducing apparatus, said image content is selected and requested to distribute based on information for viewing said distributable image contents to be transmitted from said image content providing apparatus (page 7, line 20), they fail to specifically disclose a title list.

The examiner takes Official Notice that it was notoriously well known in the art at the time of invention to provide a title list, listing the available videos for selection, for the typical benefit of providing a well known user friendly means for viewers easily identify and select a desired video.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Bar-el, Srinivasan and Zigmond's system to include a title list for the typical benefit of providing a well known user friendly means for viewers easily identify and select a desired video.

As to claim 16, Bar-el, Srinivasan and Zigmond disclose wherein said image content is provided by said image content providing apparatus by subjecting said image content to download distribution to said image content reproducing apparatus (see Srinivasan at paragraph 236).

As to claims 21 and 29, while Bar-el discloses an advertisement image providing apparatus having an advertisement image and providing said advertisement image (Fig. 2; page 11, lines 20-23), said advertisement image providing apparatus comprising:

an advertisement image database for storing said advertisement image (page 11);

advertisement image selecting means communicating with an image content providing apparatus and an image reproducing apparatus (Fig. 1-2), said advertisement image selecting means for receiving via the Internet by stream distribution selection

information (page 10, lines 3-20) from an image reproducing apparatus (page 10, lines

3-20, Fig. 1) and for selecting said advertisement image to be provided from said

advertisement image database based upon said selection information (page 11 and 14);

advertisement image providing means having a function of providing by stream

distribution said advertisement image selected by said advertisement image selecting

means (Fig. 1-2; page 11 and 14) to the image content providing apparatus and the

image reproduction apparatus (ads from object storage transmitted to the server for

transmission to the viewers; Fig. 1-2 and 4) and generating an advertisement providing

log which is history information when said advertisement image is selected (page 9,

lines 10-18 and page 11, lines 14-19);

an advertisement providing log database for storing said advertisement providing

log (page 9, lines 10-18 and page 11, lines 14-19); and

advertisement database registering means for attaching an advertisement

identifier to said advertisement image and storing said advertisement image to said

advertisement image database (page 12, lines 3-9), he fails to specifically disclose a

maximum number of distribution times and receiving the advertisement selection from

the image content providing apparatus via the Internet and transmitting the

advertisement via the Internet, wherein the position of inserting the advertisement

image is a position where a scene is changed.

In an analogous art, Srinivasan discloses a VOD system (paragraph 202) where

a user will request a video (paragraph 202) and the system will stream the video to the

user (paragraphs 202-204), transmit selection information to the advertisement server

via the Internet (paragraph 202-204), transmit the selected advertisement via the

Internet to the image program providing apparatus (video/ad servers are separate

Internet servers; paragraph 204) and insert advertisement images at the appropriate

position (paragraphs 202-204) wherein the position of inserting the advertisement image

is a position where a scene is changed (paragraph 14, 204) for the typical benefit of

providing allowing multiple systems and servers to operate together to provide the video

and advertising services (paragraphs 198-204).

Additionally, in an analogous art, Zigmond discloses a system for providing

content and advertisements (column 4, lines 15-24) which utilizes advertisements which

are provided to viewers up to a maximum number of times (column 13, lines 40-47) for

the typical benefit of preventing viewers from being frustrated through excessive

exposure to the same advertisement (column 13, lines 45-47).

It would have been obvious to one of ordinary skill in the art at the time of

invention by applicant to modify Bar-el's system to include receiving the advertisement

selection via the Internet and transmitting the advertisement via the Internet, wherein

the position of inserting the advertisement image is a position where a scene is

changed, as taught in combination with Srinivasan, for the typical benefit of providing

allowing multiple systems and servers to operate together to provide the video and

advertising services.

Additionally, it would have been obvious to one of ordinary skill in the art at the

time of invention by applicant to modify Bar-el and Srinivasan's system to include a

maximum number of distribution times, as taught in combination with Zigmond, for the

typical benefit of preventing viewers from being frustrated through excessive exposure

to the same advertisement.

As to claim 2, while Bar-el, Srinivasan and Zigmond disclose wherein when said

image content is requested to distribute at said image content reproducing apparatus,

said image content is selected and requested to distribute based on information for

viewing said distributable image contents to be transmitted from said image content

providing apparatus (page 7, line 20), they fail to specifically disclose a title list.

The examiner takes Official Notice that it was notoriously well known in the art at

the time of invention to provide a title list, listing the available videos for selection, for

the typical benefit of providing a well known user friendly means for viewers easily

identify and select a desired video.

It would have been obvious to one of ordinary skill in the art at the time of

invention by applicant to modify Bar-el, Srinivasan and Zigmond's system to include a

title list for the typical benefit of providing a well known user friendly means for viewers

easily identify and select a desired video.

As to claim 19, see the rejection of claim 10 above.

As to claims 22 and 30, see the rejection of claims 10 and 11 above.

As to claim 37, see the rejection of claim 10 and 16 above.

5.   Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bar-el,

Srinivasan and Zigmond and further in view of Hite.

As to claim 17, while Bar-el, Srinivasan and Zigmond disclose transmitting and

storing the image content to the image content reproducing apparatus prior to

reproduction (see Srinivasan at paragraph 236), they fail to specifically disclose wherein

said image content is provided by said image content providing means by transmitting

an information recording medium recorded with said image content to said image

content reproducing apparatus.

In an analogous art, Hite discloses system for providing image content and

advertisement images (column 7) where the content is provided by transmitting an

information recording medium recorded with said content to said image content

reproducing apparatus (column 9, lines 15-42) for the typical benefit of providing

viewers with additional means to receive programming, which would reduce system

bandwidth and could be provided during times that the transmission network is

malfunctioning.

It would have been obvious to one of ordinary skill in the art at the time of

invention by applicant to modify Bar-el, Srinivasan and Zigmond's system to include

wherein said image content is provided by said image content providing means by

transmitting an information recording medium recorded with said image content to said

image content reproducing apparatus, as taught in combination with Hite, for the typical

benefit of providing viewers with additional means to receive programming, which would

reduce system bandwidth and could be provided during times that the transmission

network is malfunctioning.

Conclusion

6.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to JAMES SHELEHEDA whose telephone number is

(571)272-7357. The examiner can normally be reached on Monday - Friday, 9:00AM -

5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

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/James Sheleheda/
Primary Examiner, Art Unit 2424

JS